

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

KAMIL CADET
aka CAMILLE J CADET
aka CAMILLE CADET,

Case No. 1-18-45417-ess

Chapter 13

Debtor.
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**ORDER GRANTING DEBTOR’S MOTION FOR AN ORDER STRIPPING THE
JUNIOR LIEN ENCUMBERING THE REAL PROPERTY KNOWN AS 118-59 228th
STREET, CAMBRIA HEIGHTS, NY 11411**

WHEREAS, KAMIL CADET, (hereinafter referred to as “Debtor”) filed a voluntary petition for relief under chapter 13 of Title 11, United States Code, 11 U.S.C. (Bankruptcy Code) on September 20, 2018; and

WHEREAS, there is currently a first priority lien encumbering the Debtor’s Real Property located at 118-59 228th Street, Cambria Heights, NY 11411 (“Subject Property”), held by Wells Fargo Bank, N.A. This is evidenced by claim no. 2 filed by Wells Fargo Bank, National Association, as Trustee, holding a secured claim in the amount of \$700,855.74; and

WHEREAS, on or about April 27, 2006, the Debtor executed a Revolving Line of Credit Agreement (“Agreement”), in favor of American General Home Equity, Inc. (“American”), in the original principal amount of \$30,700.00. As additional consideration for the loan, the Debtor executed a Credit Line Mortgage Security Agreement (“Subject Lien”) dated April 27, 2006, in favor of American whereby Debtor granted to American a junior lien and security interest in a the Debtor’s real property located at 118-59 228th Street, Cambria Heights, NY 11411 (“Subject Property”); and

WHEREAS, the lien was recorded on May 11, 2006 under CRFN 2006000265065 and the last known lienholder was AMERICAN GENERAL HOME EQUITY, INC; and

WHEREAS, on or about November 8, 2018, a proof of claim was filed by Real Time Resolutions, Inc. as agent for PYOD LLC ("Real Time"), claiming to hold a secured claim in the amount of \$28,089.44; and

WHEREAS, Debtor filed a motion to avoid this lien on or about June 28, 2019, **and an amended motion to avoid this lien on July 11, 2019**; and

WHEREAS, a hearing was held on August 6, 2019, where neither Real Time nor American filed written opposition nor did any party appear in Court to oppose this request;

NOW, THEREFORE, it is

~~**ORDERED**, that the Debtor's motion is granted; and it is further~~

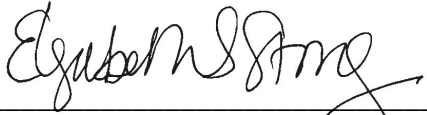
ORDERED, that any claim timely filed by Creditors American and/or Real Time against the Debtor(s) and the Debtor(s)'s estate in this case shall be treated as wholly unsecured; and it is further

ORDERED that the lien recorded on May 11, 2006 under CRFN 2006000265065, whose last known holder was AMERICAN GENERAL HOME EQUITY, INC. is declared void (see In re Pond, 252 F.3d 122 (2d Cir. 2001)), subject to the Creditors American and/or Real Time's rights under 11 U.S.C. § 363(k) and its right to such lien's reinstatement upon any dismissal or conversion of the Debtor(s)'s chapter 13 case prior to the performance of the Debtor(s)'s chapter 13 plan voiding such mortgage under 11 U.S.C. § 1322(b)(2); and it is further

ORDERED that the Clerk of the County of Queens, New York ~~shall~~ may mark on its records that the Creditors American and/or Real Time's mortgage on the Property recorded on May 11, 2006 under CRFN 2006000265065 is void pursuant to Bankruptcy Court Order, subject to the lien's reinstatement upon any dismissal or conversion of the Debtor(s)'s chapter 13 case prior to the performance of the Debtor(s)'s chapter 13 plan voiding such mortgage under 11 U.S.C. § 1322(b)(2); provided, that the Debtor(s) may in the alternative record a copy of this Order with the Clerk of the County of Queens, New York to provide such notice.

**Dated: Brooklyn, New York
August 15, 2019**




Elizabeth S. Stong
United States Bankruptcy Judge